

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                           |   |                            |
|---------------------------|---|----------------------------|
| VICTOR McKEEVER,          | ) |                            |
|                           | ) |                            |
| Petitioner,               | ) |                            |
|                           | ) | Civil Action No. 09-3 Erie |
| v.                        | ) |                            |
|                           | ) |                            |
| JAMES J. McGRADY, et al., | ) |                            |
|                           | ) |                            |
| Respondents.              | ) |                            |

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on January 7, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 21], filed on May 20, 2011, recommended that Petitioner's Petition for Writ of Habeas Corpus be denied and that a certificate of appealability be denied. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. Objections were filed by Petitioner on June 6, 2011 [ECF No. 22]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 8<sup>th</sup> day of June, 2011;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus is DENIED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 21] of Magistrate Judge Baxter, filed on May 20, 2011 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge